

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

WALTER E. BENNETT JR.,)	CASE NO. 8:07CV345
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
)	
GUARDIAN REAL ESTATE, L.L.C., et al.,)	
)	
Defendants.)	

This matter is before the court on its own motion. This court conducted an initial review of Plaintiff's complaint on October 29, 2007. (Filing No. 9.) In that order, the court dismissed several of Plaintiff's claims. (*Id.*) In addition, the court dismissed all claims against Defendants Louis Wright, Winston Lee, and John and Jane Does 1-99. (*Id.*) Plaintiff was given until November 14, 2007 to file an amended complaint, in the absence of which this matter would only proceed as to Plaintiff's Fair Housing Act claim against Defendants Roger Hale, Guardian Real Estate, L.L.C., and Evolutions Development, L.L.C. (*Id.*)

Plaintiff has not filed an amended complaint. Therefore, service of process may occur on the three remaining Defendants as set forth in this memorandum and order and in the court's October 29, 2007 memorandum and order.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send three summonses and three USM-285 forms to Plaintiff, together with a copy of this order;
2. Plaintiff shall, as soon as possible, send the completed summonses and USM-285 forms back to the Clerk of the court. In the absence of the completed summonses and USM-285 forms, service of process cannot occur. Plaintiff must provide an address for each party to be served. The U.S. Marshal and the court will not fill in a defendant's address on the forms;

3. Upon receipt of the completed summonses and USM-285 forms, the Clerk of the court will sign each summons and forward it with a copy of the complaint to the U.S. Marshal for service of process. Because Plaintiff is proceeding *in forma pauperis*, the court will copy the complaint for the Marshal, and Plaintiff does not need to do so. The Marshal shall serve each summons and complaint without payment of costs or fees. Service may be by certified mail pursuant to Federal Rule of Civil Procedure 4 and Nebraska law in the discretion of the Marshal;

4. Fed. R. Civ. Pro. 4 requires service of the complaint on a defendant within 120 days of filing the complaint. However, because in this order Plaintiff is informed for the first time of these requirements, Plaintiff is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process;

5. Plaintiff is hereby notified that failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant;

6. After an appearance has been filed by a defendant, Plaintiff shall serve on the defendant or, if an appearance has been entered by counsel, upon such counsel, a copy of every future pleading, motion, or other document filed with the court. Plaintiff shall sign each document filed with the court and shall include a "Certificate of Service" stating the date a true and correct copy of such document was mailed to or otherwise served on a defendant or the attorney of a represented defendant. If Plaintiff does not sign the document or include a "Certificate of Service" showing that a copy was served on the other parties to the case, the court may strike the document from the record;

7. A defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to a complaint;

8. The parties are bound by the Federal Rules of Civil Procedure and by the local rules of this court;

9. Plaintiff must keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal; and

10. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: April 7, 2008: Deadline for return of summons by Plaintiff.

DATED this 6th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge